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Southern District of New York*

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April 6, 2015

VIA CM/ECF FILING

The Honorable Vernon S. Broderick
United States District Judge
United States Courthouse
40 Foley Square, Room 415
New York, New York 10007

Re: *United States v. Ishita Ganguly*
14 Cr. 123 (VSB)

Dear Judge Broderick:

The Government writes to advise the Court on forfeiture-related ancillary proceedings in this action and to propose a schedule relating to those proceedings. Such proceedings are governed by Rule 32.2 of the Federal Rules of Criminal Procedure and Title 21, United States Code, Section 853(n).

On February 17, 2015, the Court entered a Consent Preliminary Order of Forfeiture as to Specific Properties/Money Judgment in this matter (the “Preliminary Order”). The Preliminary Order forfeited defendant Ishita Ganguly’s right, title, and interest in, among other things, all monies and funds contained in JPMorgan Chase & Co. escrow account number 818002693, held in the name of Leonard Eli Bronner, Esq., up to and including \$3,900,000.00 and all funds traceable thereto, including accrued interest (the “2693 Account”). As required by the Preliminary Order and governing law, on or about February 20, 2015 the Government served notice of the Preliminary Order on individuals who might assert a potential interest in the properties ordered forfeited in the Preliminary Order, advising them of the Preliminary Order and the need to file a petition in this action asserting an ownership interest in the properties ordered forfeited in the Preliminary Order. The Government also published notice of the Preliminary Order on www.forfeiture.gov beginning on February 21, 2015.

On March 25, 2015 Bob N. Robards (the “Petitioner”) filed a petition asserting an interest in the 2693 Account (the “Petition”). Because publication of the notice commenced on February 21, 2015, any other potential petitioners will have until sixty (60) days from that date, April 22, 2015, to submit a petition asserting an ownership interest in the properties ordered forfeited in the Preliminary Order.

In relation to the Petition filed by Petitioner, the Government anticipates filing a motion to dismiss the Petition pursuant to Rule 32.2(c)(1)(A) of the Federal Rules of Civil Procedure. Additionally, if the motion is denied, the Government also anticipates seeking leave

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to take discovery from Petitioner as provided for under Rule 32.2(c)(1)(B) and moving for summary judgment under that same provision.

Title 21, United States Code, Section 853(n)(4) provides that a hearing on an ancillary petition shall be heard within thirty (30) days. The provision provides the caveat, however, this timing should be maintained “to the extent practicable and consistent with the interests of justice.” Given the likely motions practice and discovery in this ancillary proceeding, coupled with the fact that it is at least conceivable that additional petitions may still be filed, the Government has consulted with counsel for Petitioner regarding a suitable schedule in this matter.

The Government, upon consent of Petitioner, submits this proposed schedule to the Court:

1. April 29, 2015 – Deadline for the Government to submit a motion to dismiss the Petition or any additional petition that might have been filed.
2. May 13, 2015 – Deadline for Petitioner or any additional petitioner to submit a response to the motion to dismiss.
3. May 27, 2015 – Deadline for Government to submit a reply brief relating to the motion to dismiss the Petition or any additional petition that might have been filed.

This proposed schedule allows for this matter to proceed without undue delay and promotes efficiency in that it will allow for any additional filed petitions subsequent to this letter to be handled on the same schedule.

Respectfully submitted,

PREET BHARARA
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